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 of all others similarly situated

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

RICHARD A. SILBER, an individual and on )  
 behalf of all others similarly situated, )  
 Plaintiff, )  
 vs. )  
 SHOP-VAC CORPORATION, a Pennsylvania )  
 Corporation, and DOES 1 through 100, )  
 inclusive, )  
 Defendants. )

CASE NO. 3:08CV00637-JLS-RBB  
**CLASS ACTION**  
**JOINT MOTION FOR ORDER**  
**STRIKING INADVERTENT**  
**INCLUSION OF IRRELEVANT**  
**DOCUMENTS FILED WITH NOTICE**  
**OF REMOVAL**

Plaintiff Richard A. Silber (“Plaintiff”) and Defendant Shop-Vac Corporation  
 (“Defendant”) hereby move this Court for an Order striking the inadvertent inclusion of  
 irrelevant documents that were filed with Defendant’s Notice of Removal. In support of this joint  
 motion, the parties present the following.

1. On or about February 25, 2008, Plaintiff filed a putative class action Complaint  
 (“Complaint”) in the Superior Court of San Diego County, California, Case No. 37-2008-  
 00078687-CU-BT-CTL, against Defendant.

2. Defendant timely filed a Notice of Removal pursuant to the Class Action Fairness

1 Act of 2005 ("CAFA"), Pub. L. No. 109-2, 119 Stat. 4 (codified in scattered sections of 28  
2 U.S.C.), on April 8, 2008.

3 3. As part of the Notice of Removal, Defendant inadvertently included Page 29, 30,  
4 and 31 (of the total 34 pages filed), which were not intended to be filed with this Court.  
5 Specifically, the three pages are irrelevant to this litigation.

6 WHEREFORE, Plaintiff and Defendant respectfully pray for an Order striking pages 29,  
7 30, and 31 from the 34-page Notice of Removal that was filed with this Court on April 8, 2008.  
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9 Dated: April 14, 2008

Respectfully submitted,

10 DEL MAR LAW GROUP, LLP

11  
12 By: s/John H. Donboli  
13 JOHN H. DONBOLI  
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15 Attorney for Plaintiff RICHARD A. SILBER, an  
16 individual and on behalf of all others similarly  
17 situated

18 Dated: April 14, 2008

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